



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 17799

PERMIT 11663

LICENSE 7826

THIS IS TO CERTIFY, That

Richard H. Hamel and Richard W. Hamel, Jr. *OVER*
P. O. Box 44
Herald, California 95638

have made proof as of December 2, 1965,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed stream in Sacramento County
tributary to Dry Creek thence Mokelumne River

for the purpose of irrigation and stockwatering uses
under Permit 11663 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from August 22, 1957,
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed three hundred fifty (350)
acre-feet per annum to be collected from about November 30 of each year to about
April 30 of the succeeding year.

The maximum withdrawal in any one year under this right has been 350 acre-feet.

The point of diversion of such water is located :

South one thousand four hundred (1400) feet and east one thousand two hundred
(1200) feet from NW corner of Section 12, T5N, R8E, MDB&M, being within SW $\frac{1}{4}$
of NW $\frac{1}{4}$ of said Section 12.

A description of the lands or the place where such water is put to beneficial use is as follows:

Stockwatering at Hamel Reservoir within NW $\frac{1}{4}$ of Section 12, T5N, R8E, MDB&M,
and irrigation of:

20 acres within Section 10, T5N, R8E, MDB&M
246 acres within Section 11, T5N, R8E, MDB&M
7 acres within Section 12, T5N, R8E, MDB&M
273 acres total - as shown on map filed with State Water Rights Board.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

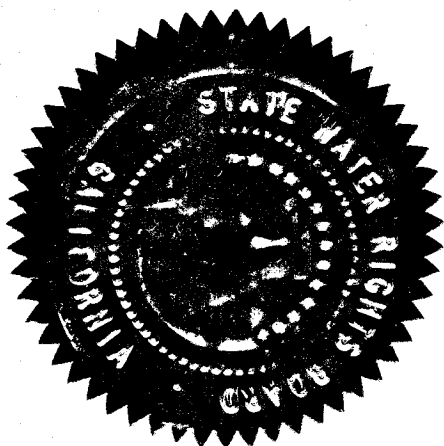
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **AUG 4 1966**



L. K. Hill
L. K. Hill
Executive Officer

1-8-75 RECORDS CHGD TO SHOW JACK SPARROWK
LIVESTOCK AS OWNER.

7-26-77 as per to Vincent + Mildred De Domencia

LICENSE 7826
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Richard H. Hamel and
Richard W. Hamel, Jr.

DATED AUG 4 1966

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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 17799
Page 1 of 4

PERMIT 11663

LICENSE 7826

THIS IS TO CERTIFY, That

Vincent and Mildred DeDomenico Revocable Trust
c/o Vincent DeDomenico
1135 Monticello Road
Napa, CA 94558

has the right to the use of the waters of an **Unnamed Stream** in **Sacramento County**

tributary to **Dry Creek** thence **Mokelumne River**

for the purpose of **Irrigation, Frost Protection and Stockwatering** uses.

Amended License 7826 supersedes the license originally issued on **August 4, 1966**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (State Water Board), or its predecessor, and the terms of **Permit 11663**. The priority of this right dates from **August 22, 1957**. Proof of maximum beneficial use of water under this license was made as of **December 2, 1965** and **July 26, 1995** (the dates of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **three hundred fifty (350) acre-feet per annum to be collected from November 30 of each year to April 30 of the succeeding year. The maximum withdrawal in any one year shall not exceed 350 acre-feet.**

The capacity of Hamel Reservoir covered by this license and License 11875 (Application 25292) shall not exceed 350 acre feet.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

Unless a change is approved by the State Water Board, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION AND PLACE OF STORAGE OF SUCH WATER IS LOCATED:

Hamel Dam - South 1,400 feet and East 1,200 feet from NW corner of projected Section 12, T5N, R8E, MDB&M, being within SW¼ of NW¼ of said Section 12.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Stockwatering at Hamel Reservoir within NW¼ of projected Section 12, T5N, R8E, MDB&M and Irrigation and Frost Protection as follows:

60 acres within projected Section 10, T5N, R8E, MDB&M
239 acres within projected Section 11, T5N, R8E, MDB&M
110 acres within projected Section 12, T5N, R8E, MDB&M
31 acres within projected Section 13, T5N, R8E, MDB&M

440 acres total as shown on map dated December 28, 1998, filed with the State Water Board.

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Licensee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Chief of the Division of Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Chief of the Division of Water Rights.

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The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

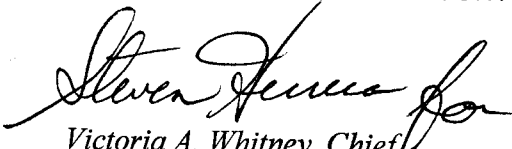
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney, Chief
Division of Water Rights

Dated:

OCT 17 2006

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Licenses 7826 and 11875 (Applications 17799 and 25292)

Vincent and Mildred DeDomenico Revocable Trust

**ORDER APPROVING CHANGES IN PURPOSE OF USE AND
PLACE OF USE AND
ORDER ISSUING AMENDED LICENSES**

SOURCES: License 7826 - Unnamed Creek tributary to Dry Creek thence Mokelumne River
License 11875 - Dry Creek

COUNTY: Sacramento

WHEREAS:

1. License 7826 was issued pursuant to permitted Application 17799 on August 4, 1966, and was recorded with the County Recorder of Sacramento County on August 4, 1966 in Book 66-08-04, page 769. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. License 11875 was issued pursuant to permitted Application 25292 on February 14, 1986, and was recorded with the County Recorder of Sacramento County on March 5, 1986 in Book 86 03-5 page 0632. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
3. The Division of Water Rights (Division) record of ownership for Licenses 7826 and 11875 shows the current holder of the licenses as Vincent and Mildred De Domenico Revocable Trust (Licensee).
4. The Licensee filed Change Petitions dated April 1, 1998 that seek to increase the place of use for both licenses to 907 acres and add frost protection as a purpose of use. The petitions were noticed on February 11, 1999 and no protests to approval of the petitions were submitted to the Division.

The Division's July 26, 1995 licensing inspection found that the Licensee irrigates 440 acres, excluding the area only served by the groundwater well and the area on the opposite side of Dry Creek from the reservoir. The Division advised the Licensee, by letter dated June 7, 2006, that any Order approving petition would limit the place of use to 440 acres, unless the Licensees objected by June 23, 2006. The Licensee did not object. The State Water Board has determined that good cause for such change has been shown.

5. Pursuant to the provisions of the California Environmental Quality Act (CEQA), the State Water Resources Control Board (State Water Board) issued a Notice of Exemption (NOE) based on

Categorical Exemption under Class 4 pursuant to CCR, Title 14, section 15304 and Title 22, section 60101(c)(1). The exemption notice states:

- (1) The project involves minor alterations in the condition of land, water, and/or vegetation, which do not result in significant loss of mature natural vegetation (e.g., unique habitat, mature scenic trees, riparian vegetation or marshlands).
- (2) There is no grading proposed on land with a slope of more than 10 percent, in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard.
- (3) The project will not cause significant adverse impacts on any sensitive environment and will not result in significant cumulative impacts.
- (4) There are no unresolved protests.
- (5) The California Department of Fish and Game (DFG) has stated that the project, as proposed herein, will not impair instream beneficial uses.
- (6) The Licensee has agreed to terms and conditions requested by the State Water Board to ensure that the project will not affect Cultural Resources in the event of "Accidental Discovery" of such Cultural Resources.

6. The State Water Board has determined that the licenses shall be amended to include the following specific corrections or changes:

The Place and Purpose of Use are: Stockwatering and Recreational (License 11875 only) uses at Hamel Reservoir within NW ¼ of projected section 12, T5N, R8E, MDB&M, and Irrigation and Frost Protection as follows:

60 acres within projected section 10, 239 acres within projected section 11, 110 acres within projected section 12, and 32 acres within projected section 13, 2 acres within projected section 14, all within T5N, R8E, MDB&M as shown on map dated December 28, 1998 filed with the State Water Board.

7. The State Water Board standard license terms pertaining to continuing authority, water quality objectives, protection of cultural resources, protection of endangered species, and the need for State Department of Fish and Game stream alteration agreement shall be updated or added to the amended licenses.
8. The State Water Board has determined the amended licenses do not constitute initiation of a new right, and do not injure prior rights or the public trust resources of the State.